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October 31, 2012

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 - 12th Street, SW  
Washington, DC 20554

Re: Notice of Ex Parte Presentation – WC Docket No. 05-25

Dear Ms. Dortch:

On October 26, 2012, Lisa Youngers, Kris Schulman, Mike Parker, Mike Baer, Jamie Johnson, Mark Jeary, and Cemil Erturkuner from XO Communications LLC (“XO”) and the undersigned, Thomas Cohen of Kelley, Drye & Warren LLP, had a conference call with the following staff from the Wireline Competition Bureau (“WCB”): William Layton, Eric Ralph, and Ken Lynch. The call was held at the request of the WCB staff, and the purpose was to discuss the new special access data request and the information gathered by XO in its prior responses to the Commission’s voluntary special access data requests. Specifically, the WCB inquired as to whether XO could produce detailed locations/facilities and billing information for the years 2010 and 2012.

In response, XO made the following points:

1. Ms. Youngers began by noting that XO had complied with all previous voluntary requests by the Commission to gather data about the provision of dedicated high-capacity circuits and intends to be helpful as the WCB develops the details of the new request.
2. Mike Parker and other XO personnel expressed concern about their ability to gather the required data for 2010, especially in regard to linking invoices with

KELLEY DRYE & WARREN LLP

Marlene H. Dortch  
October 31, 2012  
Page Two

specific buildings since this type of information may not exist. They intend to examine XO's databases and will respond to the Commission afterward.

3. XO personnel also were concerned about the time it would take to gather other data, including dark fiber leases and the use of such facilities to reach specific locations. XO believes that even though such data may reside in XO's electronic databases, it may take weeks, if not longer, to locate, pull, and collate such data in the format chosen by the Commission.
4. Finally, Ms. Youngers closed the call by raising XO's concern about the relevance of supplying information about the company's future capital or construction plans. She noted that frequently telecommunications firms develop plans to spend capital and construct facilities only to shelve them as markets evolve or corporate priorities change. As such, plans alone do not provide indicia of potential competitive deployments. Rather, should the Commission seek this information, it should only gather information about spending on construction of dedicated facilities that is already underway or in those instances where the company has formally committed to the project and the build will occur within the next six months.

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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*Counsel for XO Communications LLC*

cc: William Layton  
Eric Ralph  
Ken Lynch